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polysulfone, polyphenyl polysulfone, and mixtures thereof, and a solvent for the polysulfone compound selected from the group consisting of tetramethylene sulfone, 3-methyl sulfolane, benzophenone, n,n-dimethylacetamide, 2-pyrrolidone, 3-methylsulfolene, pyridine, thiophene, o-dichlorobenzene, 1-chloronaphthalene, methyl salicylate, anisole, o-nitroanisole, diphenyl ether, diphenoxy methane, acetophenone, p-methoxyphenyl-2-ethanol, 2-piperidine, antipyrine, δ -valerolactam, diethyl phthalate, diphenyl sulfone, diphenyl sulfoxide, phthalic acid, dioctyl ester, phthalic acid, dimethyl ester, phthalic acid, diethyl ester, phthalic acid, dibutyl ester, phthalic acid, bis(2-ethylhexyl) ester, phthalic acid, benzyl butyl ester, phenyl sulfide, and mixtures thereof.

REMARKS

Pursuant to this Amendment, Claims 1, 5, and 16 have been amended. The Amendment does not add new matter.

By Advisory Action dated April 9, 2002, the Patent Office refused to withdraw the 35 U.S.C. § 102 and 103 rejections based on the '739 patent. In this regard, the Patent Office asserts that the Affidavit submitted does not overcome the rejection because the claims do not recite a "uniform structure throughout the thickness dimension of the membrane." Further, the Office Action states a "uniform porosity structure is also not claimed."

Each of the claims pending in this application now claims a substantially uniform pore structure throughout a thickness of the polysulfone semipermeable membrane. As noted by the Affidavit of record in this application, the prior art that is relied upon by the Patent Office does not disclose such a structure. Moreover, as Applicants have also noted, the prior art could not create such a structure because it uses different method steps. In this regard, Applicants respectfully submit that the Patent Office is misinterpreting Applicants' statements with respect to the method of making the membrane. What Applicants have asserted is that because they use a different method, a different membrane structure is produced. Applicants are claiming the membrane structure not the method of making same.

As demonstrated by the Affidavit of record, a different membrane is claimed than the membrane produced by the art that is relied upon. In contrast to a membrane having uniform porosity throughout its thickness, i.e., a symmetric membrane, the prior art that is relied on is an asymmetric membrane. Thus, as a matter of fact and law, the rejection is not proper.

Therefore, Applicants respectfully request that the 35 U.S.C. § 102 and 103 rejections be withdrawn and above-identified patent application be passed to allowance.

For the foregoing reasons, Applicants respectfully request reconsideration of their patent application and earnestly solicit an early allowance of same.

Respectfully submitted,

BELL, BOYD & LLOYD LLC



Robert M. Barrett
Reg. No. 30,142
P.O. Box 1135
Chicago, Illinois 60690-1135
Phone: (312) 807-4204

VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Claims:

Please amend Claims 1, 5 and 16 as follows.

1. (Amended) A polysulfone semipermeable membrane, the polysulfone semipermeable membrane comprising a mixture of: a polysulfone compound and a solvent for the polysulfone compound, and the polysulfone semipermeable membrane having a homogeneous structure such that the polysulfone semipermeable membrane has a substantially uniform pore structure throughout a thickness of the polysulfone semipermeable membrane.

5. (Amended) A polysulfone semipermeable membrane defined by a composition comprising a mixture of a polysulfone compound, a solvent for the polysulfone compound, and a non-solvent for the polysulfone compound, and the polysulfone semipermeable membrane having a homogeneous structure such that the polysulfone semipermeable membrane has a substantially uniform pore structure throughout a thickness of the polysulfone semipermeable membrane.

16. (Amended) A polysulfone semipermeable membrane having a substantially uniform pore structure throughout a thickness dimension of the membrane, the polysulfone semipermeable membrane being constructed from a mixture of a polysulfone compound selected from the group consisting of a polyarylsulfone compound, bisphenol A polysulfone, polyether polysulfone, polyphenyl polysulfone, and mixtures thereof, and a solvent for the polysulfone compound selected from the group consisting of tetramethylene sulfone, 3-methyl sulfolane, benzophenone, n,n-dimethylacetamide, 2-pyrrolidone, 3-methylsulfolene, pyridine, thiophene, o-dichlorobenzene, 1-chloronaphthalene, methyl salicylate, anisole, o-nitroanisole, diphenyl ether, diphenoxy methane, acetophenone, p-methoxyphenyl-2-ethanol, 2-piperidine, antipyrine, δ -valerolactam, diethyl phthalate, diphenyl sulfone, diphenyl sulfoxide, phthalic acid, dioctyl ester, phthalic acid, dimethyl ester, phthalic acid, diethyl ester, phthalic acid, dibutyl ester, phthalic acid, bis(2-ethylhexyl) ester, phthalic acid, benzyl butyl ester, phenyl sulfide, and mixtures thereof.